

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IOU CENTRAL, INC.
d/b/a IOU FINANCIAL, INC.,

Plaintiff,
vs.

VOLTATA TP ACQUISITION, LLC, et al

Defendants,

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CASE NO: 4:20-cv-1181-Y

PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE ITS RESPONSE
[DOC 10] TO THE MOTION TO DISMISS [DOC 9]

Per L.R. 7.1, IOU moves for leave to file and have its Response [Doc 10] accepted as timely in opposition to the Motion to Dismiss [Doc 9] the Amended Complaint [Doc 6].

1. On 10/26/20, Plaintiff IOU filed suit [Doc 1], naming Defendants JJS and JPFI [Movants] who filed a Motion to Dismiss [Doc 9] the Amended Complaint [Doc 6].

2. IOU prepared a Response to the Motion, but had to reconstruct the Response due due to its formatting issues, to ensure it complied with the Local Rules, reducing its size to 10- pages as the Response lacked an appendix, which could not be completed by 2/5/21.

3. IOU filed the Response today, well before the start of the next business day, which did not delay this case or prejudice any party [Doc 10].

4. The Response should be accepted and considered, per the Court's authority to regulate its docket. Landis v. N. Am. 299 U.S. 248, 254 (1936) [it is "incidental to the power inherent in every court to control disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants"] The Court may grant the relief for good case as shown here which will not prejudice any party. Pioneer v. Brunswick, 507 U.S. 395 (1993) [accepted late proof of claim which did not delay the case or prejudice a party].

5. IOU submits its proposed order attached as **Exhibit 1.**

CONCLUSION

IOU respectfully requests leave to file and have its Response [Doc 10] accepted as timely in opposition to the Motion to Dismiss [Doc 9].

CERTIFICATE OF CONFERENCE

Per L.R. 7.1, Plaintiff's counsel certifies he conferred with counsel for Movants today who does not oppose the relief sought this Motion.

CERTIFICATE OF SERVICE

I certify a precise copy of this document was filed ECF on the below date, sending ECF notice to defense counsel of record for Defendants JPFI and JJS and/or was mailed by U.S. First Class Mail to Defendants Voltata TP and Current on their returns of service [Doc 7-8] which will be served on Defendant Voltata LLC.

Respectfully submitted this 8th day of February 2021.

By: /s/Paul G. Wersant
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